96/42

FORMER MEMBERS OF CONGRESS

HEARING

BEFORE THE

SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

FORMER MEMBERS OF CONGRESS

SEPTEMBER 19, 1980

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FORMER MEMBERS OF CONGRESS

FRIDAY, SEPTEMBER 19, 1980

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS,
Washington, D.C.

The subcommittee met, pursuant to other business, at 10:01 a.m., in room 2237, Rayburn House Office Building, Hon. George E. Danielson (chairman of the subcommittee) presiding.

Present: Representatives Danielson, Hughes, and Moorhead.

Also present: William P. Shattuck, counsel, and Alan F. Coffey, Jr., associate counsel.

Mr. DANIELSON. The next item on the agenda is the bill H.R. 7705, of which I am the author.

[A copy of H.R. 7705 follows:]

96TH CONGRESS
2D SESSION

H. R. 7705

To incorporate the organization known as Former Members of Congress.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1980

Mr. DANIELSON introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To incorporate the organization known as Former Members of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit:

Honorable Carlton R. Sickles, Rockville, Maryland;

Honorable William S. Mailliard, Washington, District of Columbia;

Honorable John S. Monagan, Washington, District of Columbia;

Honorable Charles E. Chamberlain, McLean, Virginia;

Honorable Charles B. Brownson, Alexandria, Virginia;

Honorable Brooks Hays, Chevy Chase, Maryland;

Honorable Walter H. Judd, Washington, District of Columbia;

Honorable Jed Johnson, Jr., Bethesda, Maryland;

Honorable Henry P. Smith III, Washington, District of Columbia;

Honorable J. Caleb Boggs, Wilmington, Delaware;

Honorable Hugh Scott, Washington, District of Columbia;

and their successors are hereby created and declared to be a body corporate having the name "Former Members of Congress" (hereinafter the "corporation"). The corporation shall have the powers, limitations, and restrictions contained in this Act.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 2. The objects and purposes of the corporation shall be to promote the cause of good government at the national level by improving the public understanding of the United States Congress as an institution and strengthening its public support. The corporation shall function as an

educational, patriotic, civic, historical, and research organization.

CORPORATE POWERS

SEC. 3. The corporation shall have the power—

(1) to enact and amend bylaws, rules, and regulations not inconsistent with the laws of the United States of America or any State in which the corporation shall operate, for the management of its affairs and property;

(2) to accept gifts, legacies, and devises;

(3) to acquire, transfer, lease, and convey real and personal property;

(4) to contract and be contracted with;

(5) to borrow money for purposes of the corporation, issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage or pledge subject to applicable Federal or State laws;

(6) to adopt, alter, and use a corporate seal, emblem, and marks;

(7) to choose officers and agents;

(8) to establish and maintain offices;

(9) to sue and be sued in any court of competent jurisdiction;

(10) to charge and collect membership dues; and

(11) to do any and all acts necessary and proper to carry out the purposes of the corporation.

PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 4. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, territories, and possessions of the United States, subject to the laws thereof which govern the activities of corporations, and in foreign countries.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent or mailed to the business address of such agent shall be deemed as service or notice upon the corporation.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be determined as the bylaws of the corporation may provide.

BOARD OF DIRECTORS

SEC. 6. (a) The management of the corporation shall be entrusted to a board of directors, which shall be responsibl

for the general policies and programs of the corporation and for the control of its affairs and property.

(b) The board of directors shall be composed of not more than fifty individuals and not less than ten individuals, elected, as the bylaws of the corporation may provide, by the members from among their number.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation shall be a president, who shall be the chief executive officer, a vice president, a treasurer, and a secretary.

PROHIBITIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or employee of the corporation or be distributable to any member, officer, or employee during the life of the corporation or upon its dissolution or liquidation. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to any officer or employee of the corporation for services rendered to the corporation or to prevent reimbursement for actual expenses in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its members, officers, or employees.

(c) The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(d) The corporation shall not contribute to or otherwise support any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep minutes of the proceedings of its members, shall keep correct and complete books and records of account, and shall keep, at its principal office, a record of the names and addresses of its members. All books and records of the corporation may be inspected, for any proper purpose, by any member and the agent or attorney of such member, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. (a) Sections 2 and 3 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1102 and 1103), shall apply to the corporation.

(b) Section 1 of Public Law 88–504 (78 Stat. 635, 36 U.S.C. 1101) is amended by adding the following new item:

"(51) Former Members of Congress.".

ACQUISITION OF ASSETS AND LIABILITIES; USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 12. (a) The corporation known as Former Members of Congress shall retain and maintain its existing status as a corporation incorporated under the laws of the District of Columbia or of a State. If Former Members of Congress fails to retain and maintain such status, the provisions of this Act shall cease to be effective, and the corporation created hereby shall expire and shall have no authority except to dissolve and liquidate as provided in subsection (b) of this section.

(b) Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, any remaining assets of the corporation shall be distributed in accordance with the bylaws of the corporation and applicable Federal and State laws.

RESERVATION OF RIGHT TO AMEND OR REPEAL ACT

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

Mr. DANIELSON. I hereby appoint Henry Smith, former Member of Congress from the State of New York, distingushed citizen of the world, as my spokesman on this. Would you introduce the panel, please?

PANEL: HON. CARLTON SICKLES, PAST PRESIDENT, FORMER MEMBERS OF CONGRESS; HON. WALTER H. JUDD, FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA; HON. FRANK E. MOSS, FORMER U.S. SENATOR FROM THE STATE OF UTAH; HON. CHARLES E. CHAMBERLAIN, FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN; HON. HENRY P. SMITH III, FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK; HON. CHARLES B. BROWNSON, FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA; AND MRS. CHARLES B. BROWNSON

Mr. SICKLES. I will be glad to introduce the panel, Mr. Chairman, as the immediate past president of Former Members of Congress.

You said to one of the earlier witnesses in another case to sort of give you his best shot.

Our best shot is for me to introduce the members who are here today, many of whom you know.

Dr. Walter Judd, on my right, former Member from Minnesota, is one of the founding members of this organization. He, with Brooks Hays, who is not with us today, started this organization some more than 10 years ago. Also here is Charles Chamberlain, of Michigan, who is the treasurer of the Former Members of Congress, and also another officer, Senator Frank Moss on my right, of Utah, secretary.

Charles Brownson was the president of the Former Members of Congress immediately before me and Charles is from Indiana. His wife, Ann Brownson, sitting on his left, is the president of the auxiliary.

Henry Smith you have already introduced, who is our counselor. He helped prepare the bill with the help of not only yourself but Mr. Shattuck and also prepared my testimony for me today.

Mr. DANIELSON. Incidentally, he is a former member of this subcommittee.

Mr. SICKLES. I hope that is helpful, Mr. Chairman.

I am mindful of your time constraints; I think I can just briefly say why we are here.

I think it is because we have served our apprenticeship. You may be surprised as most people are that there was not an alumni association for Congress and its Members until some 10 years ago when the two founding members, Dr. Judd and Mr. Hays, formed this group.

Since then we have secured our charter in the District of Columbia. We secured our 501(c)(3) tax exempt status.

We have been performing; we have been reporting to the Congress annually. As president for last year going through June 30 of this year, I gave my report on May 20. It is in the Congressional Record, has much more detail than what we put in our statement.

Mr. DANIELSON. That would be May 20?

Mr. SICKLES. Of this year. We do it every year in the spring. We also have fall meetings away from the Washington area. It is an opportunity for many of us to see each other when we haven't seen each other for some time. Some of us have learned to know each other better now than we did when we were busy doing our daily work in the Congress. It is tremendous from that point of view, the camaraderie what flows from these meetings.

More than that, we felt we should not be just that kind of a clubby social organization, that there were worthwhile things we could do uniquely.

We have a campus fellows program whereby individual Members are provided to the various campuses upon the request of the college or university. They spend approximately a week there; they are available to the student body, to the officials, to the professors, to do anything they want. They will address small groups, go down to the local bar with students, address local citizens, do anything that is requested in order that the college people can get a better flavor of how the Congress works, why it works, what power impulses are, etc. We have been doing this for some time now. It is really one of our better programs. There is a long waiting list of colleges that want us to come a second time or for the first time.

We are very proud of that program. We also have an oral history program. Well over 50 of those have been completed, and there are are more in the mill now. Under this program former Members are interviewed professionally when they leave the Congress and that record is eventually turned over to the Library of Congress.

I could tell of other programs but I think in the interest of time I can assure you we are doing those kinds of sophisticated things as well as providing a forum for meeting each other periodically.

We feel this Federal charter is probably as important to us as it is to any organization which has ever received one.

We still feel ourselves emotionally and psychologically a part of the Congress. We feel it is important to us to have a federal charter in addition to our District of Columbia Charter which we will keep under the requirements of the bill. Having served our apprenticeship, having been at it for 10 years, proven that we can do things, we have a good record. We are here this morning to ask for your continued support in order that this Federal charter may be granted to us.

Mr. DANIELSON. Thank you very much. Are there any other of you gentlemen who wish to make a statement? Is there something to be said?

Mr. Moss. May I add one small thing?

Mr. DANIELSON. Senator, go right ahead.

Mr. Moss. We have been in contact with and are now talking with former Members of Parliament or bodies of this sort. It appears that we are going to move into an international relationship of some kind, which I think is of great importance to our Congress and to our country, to have this contact with former Members from Mexico, Canada, Britain, Germany, Italy.

We have talked with all of them.

Incidentally, this fall meeting that we are planning on having will be in Mexico City. We will be addressed by ministers there and meet

with their Members, former Members as well as current Members of the Mexican Parliament.

We think this recognition feature that I heard you talking with the previous group about is quite important to us to have a national charter.

Mr. DANIELSON. Mr. Judd, you are a legend around here and I don't care what you have to say, but would you just say something?

Mr. JUDD. I am glad. I hope the legend isn't all bad.

One of the advantages of this organization is that it has a guaranteed clientele. Every few years we are sure we will have eligible members.

The second statement is that we are no longer responsible for the legislation of this august body but we are no less interested in the well-being of our country. That is why this organization was brought into being.

We celebrated a few years ago our bicentennial of the Fourth of July. There is another Fourth of July which was enormously important, July 4, 1946. on that day in the Philippines we pulled down the American flag and ran up the Philippine flag without riots or bloodshed. That started a process obviously irreversible. Since then 80 some newly independent countries have come into being, all of them calling themselves republics, and haven't the slightest idea of what a republic is.

We have a feeling we need to instruct or share our experience with our own people and around the world. In a time when there is such a conflict and turmoil in the world as to how people are to govern themselves, we have a mission, we feel, not to try to influence current legislation—that is forbidden in our charter; we haven't had a single instance of where we tried to get things for our own benefit—we want to continue to be useful to this great country that has been so good to us.

We hope you will give us the additional influence that we can have with the Federal charter.

Thank you.

Mr. DANIELSON. Thank you very much. Are there others who would like to say something?

Mr. CHAMBERLAIN. Mr. Chairman, as treasurer of the organization, I should just like the record to show as we ask for this congressional charter that this is a solvent organization.

Mr. DANIELSON. Fine. That is in itself a mark of distinction.

Mr. JUDD. We do better since we are out of Congress.

Mr. DANIELSON. I would like to yield to my distinguished colleague from California, Mr. Moorhead.

Mr. MOORHEAD. I think you could sell us on most things with the eloquent language of Walter Judd.

I want to tell you I was present there in the Philippine Islands the day that Douglas MacArthur presided over the birth of the Philippine Republic. That is a very, very important day in history.

We know how much good work your organization is doing. We really have a "vested" interest ourselves because we will all be eligible members one of these days.

I want to thank you for coming.

Mr. JUDD. I hope it has been said that we now have more members than the sitting Congress has, both Houses.

Mr. DANIELSON. I think I saw 540 someplace.

Mr. MOSS. We have as members two ex-Presidents of the United States, dues-paying members of this organization.

Mr. DANIELSON. That is good.

Mr. SMITH. And one Secretary of State. Mr. Muskie is our newest member.

Mr. DANIELSON. Is he a member now?

Mr. SMITH. He is a new member.

Mr. DANIELSON. How do you like that?

Mr. Hughes of New Jersey?

Mr. HUGHES. I have no questions. I just want to welcome our former colleagues. I see that they have taken advantage of the lack of job security that we enjoy in the Congress.

Mr. DANIELSON. Thank you all very much for coming. We do have some other private bills to consider, but your record is complete; everybody's statement or statements are in the record in their entirety.

This committee will have to get a quorum together and work its will.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. SICKLES. Thank you, Mr. Chairman.

Mr. DANIELSON. The subcommittee stands adjourned subject to the call of the Chair.

[Whereupon, at 10:15 a.m., the subcommittee was adjourned.]

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